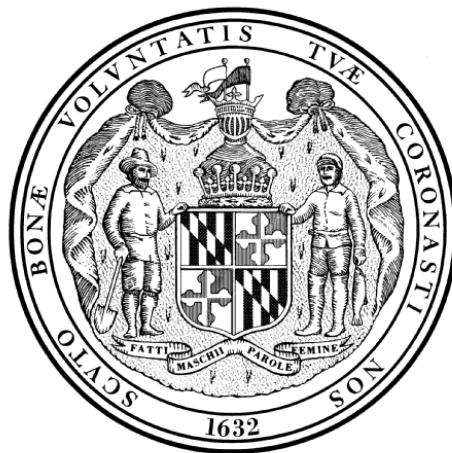


SPECIAL POLICE & RAILROAD POLICE

Annotated Code of Maryland
Public Safety Article
Special Police Officers §§3-301 — 3-316
Railroad Police Act §§3-401 — 3-415



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October 2009

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PUBLIC SAFETY ARTICLE
TITLE 3 LAW ENFORCEMENT

Subtitle 3. Special Police Officers.

§ 3-301. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Commission.*— "Commission" means a special police commission issued under this subtitle.

(c) *Secretary.*— "Secretary" means the Secretary of State Police.

(d) *Special police officer.*— "Special police officer" means an individual who holds a commission issued under this subtitle.

§ 3-302. Governor to appoint special police officers.

The Governor may appoint and deputize as a special police officer each individual that the Governor considers qualified for a commission.

§ 3-303. Entities authorized to apply for appointment of special police officers; qualifications of applicants.

(a) *Entities authorized to apply for appointment of special police officers.*— The following entities may apply for the appointment of special police officers for the following purposes:

(1) a municipal corporation, county, or other governmental body of the State, in order to protect property owned, leased, or regularly used by the governmental body or any of its units;

(2) another state, or subdivision or unit of another state, that has an interest in property located wholly or partly in this State, in order to protect the property;

(3) a college, university, or public school system in the State, in order to protect its property or students; or

(4) a person that exists and functions for a legal business purpose, in order to protect its business property.

(b) *Age.*— The applicant for a commission shall be at least 18 years old.

(c) *Training and education.*— The Secretary may require training and education for special police officers as the Secretary considers necessary.

§ 3-304. Applications for commissions.

(a) *Employer to submit.*— (1) The employer of an applicant for a commission shall submit the application under this section.

(2) A separate application is required for each individual applicant for a commission.

(b) *Contents; fees.* — (1) The employer of an applicant for a commission shall:

(i) submit to the Secretary an application on the form that the Secretary requires;

(ii) submit to the Secretary a complete set of the applicant's legible fingerprints on standard fingerprint cards;

(iii) pay to the Secretary a fee to cover the cost of the fingerprint record checks; and

(iv) subject to paragraph (3) of this subsection, pay to the Secretary an application fee of \$100, to cover the cost of an investigation of the applicant.

(2) The application fee is nonrefundable if the application is denied.

(3) An application fee may not be charged to a unit of the State.

§ 3-305. Investigations of applicants.

(a) *In general.*— (1) The Secretary shall investigate the character, reputation, and qualifications of each applicant for a commission.

(2) The investigation shall include an investigation of the applicant's criminal record, including checking records of local police departments and the Federal Bureau of Investigation.

(3) The Secretary shall conduct the investigation in accordance with rules and regulations adopted by the Secretary.

(b) *Notice of final decision; appeal.* — (1) On completion of the investigation, the Secretary shall notify the applicant of the final decision of the Secretary on whether to recommend the denial or the granting of the application to the Governor.

(2) Any person aggrieved by a final decision of the Secretary to recommend the denial of an application under this section may take an appeal as a contested case in accordance with Title 10, Subtitle 2 of the State Government Article.

(c) *Recommendation to Governor.*— (1) The Secretary shall transmit to the Governor:

- (i) the results of the investigation;
- (ii) a recommendation on denying or granting the application; and
- (iii) the reasons for the recommendation.

(2) The Governor may accept the recommendation of the Secretary but need not issue a commission approved by the Secretary if the Governor believes it not to be in the best interest of the State to do so.

§ 3-306. Issuance of commission.

(a) *Issuance.*— The Governor shall issue a commission to each applicant approved by the Governor.

(b) *Contents.*— The commission shall indicate:

- (1) the term of the commission; and
- (2) the property that the commission is intended to cover or the purpose for which the commission is issued.

§ 3-307. Scope of commission.

(a) *In general.*— Each special police officer shall protect and preserve peace and good order on the property described in the application for the commission.

(b) *Powers of special police officer.*— A special police officer may:

- (1) arrest individuals who trespass or commit offenses on the property described in the application for the commission;

(2) exercise the powers of a police officer on the property described in the application for the commission;

(3) exercise the powers of a police officer in a county or municipal corporation of the State in connection with the care, custody, and protection of other property of the entity that requested the appointment of the special police officer or other property, real or personal, for which the entity has assumed an obligation to maintain or protect; and

(4) direct and control traffic on public highways and roads in the immediate vicinity of the property described in the application for the commission in order to facilitate the orderly movement of traffic to and from the property, if the Secretary approves of this activity in advance.

(c) *Limitations as to vehicle laws.*— (1) A special police officer may make an arrest or issue a traffic citation for a violation of the Maryland Vehicle Law or any other State or local traffic law or regulation only if the special police officer:

(i) has a probationary or permanent appointment as a security officer or is a member of an industrial police force; and

(ii) has completed the basic training course for police officers as established by the Police Training Commission in accordance with Subtitle 2 of this title.

(2) A special police officer may exercise the power described in paragraph (1) of this subsection only on the property of the special police officer's employer as described in the application for the commission, unless the special police officer is in active pursuit for the purpose of immediate apprehension.

§ 3-308. Liability for wrongful actions or abuse of powers.

(a) *Responsibility of special police officer.*— The special police officer is responsible for:

(1) any abuse of the special police officer's powers; and

(2) the exercise of the special police officer's powers on property not within the special police officer's jurisdiction.

(b) *Responsibility of entity.*— The entity that requested the appointment of the special police officer is also responsible for:

(1) any wrongful action that the special police officer commits in the course of the special police officer's duties; and

(2) any abuse of the powers granted by the commission, either on or off the premises.

§ 3-309. Oath.

(a) *Required.*— Within 30 days after issuance of a commission and before performing the duties of a special police officer, each special police officer shall take the oath required by Article I, § 9 of the Maryland Constitution before the clerk of the circuit court where the commission is received.

(b) *Certificate of oath.*— The clerk of the court shall transmit to the Secretary of State a certificate that indicates that the special police officer has taken the oath required by subsection (a) of this section.

§ 3-310. Uniform, badge, and identification.

(a) *In general.*— (1) Unless a special police officer is on detective duty, the special police officer shall wear:

(i) a uniform that is distinguishable from ordinary civilian clothing and that gives notice that the special police officer is a law enforcement official; and

(ii) a distinctive police badge that properly identifies the officer as a special police officer.

(2) The badge shall be worn in plain view.

(3) The uniform, badge, and identification are subject to approval by the Department of State Police.

(b) *Detective duty.*— Each special police officer on detective duty shall carry:

(1) identification that properly identifies the special police officer as a special police officer; and

(2) the distinctive police badge described in subsection (a) of this section.

(c) *Surrender of identification or badge.*— A special police officer shall surrender to the special police officer's employer any identification or badge that identifies the individual as a special police officer within 48 hours after the suspension or termination of:

- (1) the employment of the special police officer; or
- (2) the commission of the special police officer in accordance with § 3-313 of this subtitle.

§ 3-311. Employee status; compensation.

(a) *Employee status.*— Each special police officer is deemed to be an employee of the entity that requested the appointment.

(b) *Compensation.*— A special police officer shall be compensated by the entity on whatever terms contracted for.

§ 3-312. Term and renewal of commission.

(a) *Term of commission.*— An initial commission expires 2 years after its date of issuance.

(b) *Application for renewal.*— (1) At the end of the term of a commission, the commission is renewable for a 3-year term if the employer of the special police officer:

- (i) submits to the Secretary a renewal application on the form that the Secretary requires;

- (ii) submits to the Secretary a complete set of the special police officer's legible fingerprints on standard fingerprint cards;

- (iii) pays to the Secretary a fee to cover the cost of the fingerprint record checks; and

- (iv) subject to paragraph (2) of this subsection, pays to the Secretary a renewal fee of \$60.

(2) A renewal fee may not be charged to a unit of the State.

(c) *Deadline for renewal.*— The Secretary may set the deadline for submitting a renewal application to the Secretary.

§ 3-313. Suspensions and terminations.

(a) *In general.*— (1) Except as provided in subsection (c) of this section, a commission is suspended or terminates when the employer

of the special police officer files written notice that states that the special police officer is suspended from or relieved of the duties of a special police officer.

(2) The Governor may suspend or terminate a commission:

(i) on recommendation of the Secretary; or

(ii) on the Governor's own motion if the Governor finds it in the best interest of the State.

(3) The suspension or termination shall be noted in the official records of the Governor.

(4) The suspension or termination may not take effect until 5 days after notice is sent to both the special police officer and the special police officer's employer.

(b) *Delegation of power by Governor.*— The Governor may delegate the power to suspend or terminate a commission to the Secretary of State, the Assistant Secretary of State, or both.

(c) *Exception.*— A commission does not terminate if:

(1) an employer no longer needs the services of a special police officer because the employer has transferred the business property described in the commission to another person for legal business purposes; and

(2) the other person executes a form prepared by the Secretary of State that affirms that the other person will employ the special police officer to protect that business property and will assume the responsibilities of the original employer as described in this subtitle.

§ 3-314. Immunity of State, subdivision, or municipal corporation.

The State and any subdivision or municipal corporation of the State shall have the immunity from liability described under § 5-613 of the Courts Article unless the subdivision or municipal corporation requests the appointment of an individual as a special police officer and the request is granted as provided in this subtitle.

§ 3-315. Prohibited acts; penalty.

(a) *Acting as special police officer without commission prohibited.*— An individual may not exercise or attempt to exercise any of

the powers of a special police officer granted under this subtitle without a commission.

(b) *Acting as special police officer with knowledge of suspension or termination prohibited.*— (1) An individual may not exercise or attempt to exercise any of the powers of a special police officer granted under this subtitle if the individual knows of the suspension or termination of the individual's commission or if the individual has in any manner received notice of the suspension or termination of the individual's commission.

(2) An individual is presumed to know of a suspension or termination if notice of the suspension or termination is filed and mailed in accordance with § 3-313 of this subtitle.

(c) *Employing individual as special police officer without commission prohibited.*— An employer may not knowingly:

(1) hire an individual to perform the duties of a special police officer unless the individual holds a commission; or

(2) continue to employ an individual to perform the duties of a special police officer:

(i) unless the individual holds a commission; or

(ii) if the individual's commission is suspended or terminated.

(d) *Penalty.*— A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

§3-316. Regulations.

The Secretary may, as the Secretary considers necessary to carry out the purpose of this subtitle, adopt rules and regulations for the conduct of special police officers.

PUBLIC SAFETY ARTICLE
TITLE 3 LAW ENFORCEMENT

Subtitle 4 Maryland Railroad Police Act.

§ 3-401. Definitions.

(a) *In general.*— In this subtitle the following words have the meanings indicated.

(b) *Railroad company.*— (1) "Railroad company" means a railway company or corporation, together with its subsidiaries, corporate affiliates, and parent companies, that is engaged as a common carrier in the furnishing or sale of transportation subject to Subtitle IV of Title 49 of the United States Code.

(2) "Railroad company" includes a corporation the title of which contains a combination of words similar to "railway company".

(c) *Railroad police officer.*— "Railroad police officer" means an individual appointed by the Governor to act as a police officer for a railroad company under this subtitle.

(d) *Secretary.*— "Secretary" means the Secretary of State Police.

§3-402. Appointment of railroad police officers authorized.

Each railroad company located wholly or partly in the State may apply for the appointment of railroad police officers:

(1) to protect property, patrons, passengers, tenants, employees, equipment, and services; and

(2) to preserve peace and order on railroad premises, easements, appurtenant property, trains, cars, and other vehicles.

§3-403. Qualifications of applicants.

(a) *In general.*— To qualify for appointment to act as a railroad police officer under this subtitle, an applicant shall be an individual who meets the requirements of this section.

(b) *Moral character.*— (1) The applicant shall be of good moral character.

(2) The applicant may not have been convicted of a felony or misdemeanor involving moral turpitude.

(c) *Age*.— The applicant shall be at least 21 years old.

(d) *Education and experience*.— The applicant shall:

(1) be a full-time police officer employed by a railroad company on July 1, 1979; or

(2) meet all the educational and training requirements required by the Police Training Commission.

§ 3-404. Applications for appointments.

(a) *In general*.— The chief railroad police officer of a railroad company shall:

(1) submit to the Secretary under oath an application for appointment of each railroad police officer on the form that the Secretary requires; and

(2) pay to the Secretary the application fee set by the Secretary.

(b) *Application fee nonrefundable*.— The application fee is nonrefundable.

§ 3-405. Issuance of appointment.

(a) *Recommendation to Governor*.— (1) The Secretary shall submit to the Governor:

(i) each application for appointment of a railroad police officer received under this subtitle;

(ii) a recommendation on denying or granting the application; and

(iii) the reasons for the recommendation.

(2) The Governor may accept the recommendation of the Secretary but need not issue an appointment approved by the Secretary if the Governor believes it is not in the best interest of the State to do so.

(b) *Issuance of appointment*.— The Governor shall issue an appointment to act as a railroad police officer to each applicant approved by the Governor.

§ 3-406. Scope of appointment.

(a) *In general.*— Each railroad police officer has all the powers granted to a peace or police officer.

(b) *Limitation of powers.*— A railroad police officer may exercise the powers granted under this subtitle only if the railroad police officer:

(1) is on real or personal property owned, leased, operated, or controlled by the railroad company that employs the railroad police officer;

(2) is in fresh pursuit of a suspect;

(3) is requested or authorized to act by the executive officer or chief police officer of a county; or

(4) is ordered to act by the Governor.

§ 3-407. Liability for wrongful actions or abuse of powers.

The railroad company that employs a railroad police officer is liable for any wrongful action or abuse of power by the railroad police officer.

§ 3-408. Oath.

Before performing the duties of a railroad police officer, each railroad police officer shall take the oath required by Article I, § 9 of the Maryland Constitution before the clerk of the circuit court where the appointment is received.

§ 3-409. Badges and identification cards.

(a) *Badges.*— Each railroad police officer who is in uniform and on duty shall wear in plain view a badge that identifies the railroad company that employs the railroad police officer.

(b) *Identification cards.*— Each railroad police officer shall carry an identification card issued by the railroad company that employs the railroad police officer.

§ 3-410. Compensation.

Each railroad police officer shall receive compensation from the railroad company that employs the railroad police officer.

§ 3-411. Term of appointment.

An appointment issued under this subtitle remains in effect until:

- (1) terminated by the railroad company that employs the railroad police officer; or
- (2) revoked for cause by the Governor.

§ 3-412. End of employment.

(a) *In general.*— Employment of a railroad police officer ends on the retirement, resignation, or termination of the railroad police officer.

(b) *Effect on powers.*— The powers granted to a railroad police officer under this subtitle end when the employment of the railroad police officer ends.

(c) *Notice.*— Within 10 days after the employment of a railroad police officer ends, the railroad company that employed the railroad police officer shall file notice with the Governor that the employment has ended.

§ 3-413. Confinement of arrestees

(a) *In general.*— If sufficient facilities are available, the person in charge of a jail or place of detention shall receive and confine an individual arrested by a railroad police officer.

(b) *Status*.— An individual confined under subsection (a) of this section:

(1) is deemed to be in the custody of the railroad police; and

(2) has the same status as an individual arrested by any other peace or police officer of the State.

§ 3-414. Reciprocal agreements.

To carry out the purposes of this subtitle, the Governor may enter into a reciprocal agreement with the governor of another state to empower railroad police officers to perform police functions lawfully exercised by an officer of the reciprocal state that relate to the purposes described in this subtitle.

§ 3-415. Short Title.

This subtitle may be cited as the Maryland Railroad Police Act.